

(b) is not civilly liable for any reasonable conduct in aid of the officer.

History: En. 95-609 by Sec. 1, Ch. 196, L. 1967; amd. Sec. 60, Ch. 535, L. 1975; R.C.M. 1947, 95-609; amd. Sec. 38, Ch. 800, L. 1991.

Cross-References

Failure to aid peace officer, 45-7-304.

46-6-403. Renumbered 46-6-313. Code Commissioner, 1991.

46-6-404. Renumbered 46-6-310. Code Commissioner, 1991.

46-6-405 through 46-6-410 reserved.

46-6-411. Assisting officer of another state. (1) Any peace officer of another state, of the United States, or of the District of Columbia who enters this state in close pursuit of a person in order to arrest the person has the same authority to arrest and hold the person in custody as peace officers of this state have to arrest and hold in custody a person on the ground that the person has committed a crime in this state.

(2) If an arrest is made in this state by an officer of another state, of the United States, or of the District of Columbia, the officer shall without unnecessary delay take the arrested person before a judge of a court of record, who shall conduct a hearing for the sole purpose of determining if the arrest was in accordance with the provisions of subsection (1) and not for the purpose of determining the guilt or innocence of the arrested person.

(3) If the judge determines that the arrest was in accordance with subsection (1), the judge shall commit the arrested person to the custody of the officer making the arrest, who shall without unnecessary delay take the arrested person to the state from which that person fled. If the judge determines that the arrest was unlawful, the judge shall discharge the person arrested.

(4) This section may not be construed to make unlawful any arrest in this state that would otherwise be lawful.

History: En. 95-619 by Sec. 1, Ch. 196, L. 1967; R.C.M. 1947, 95-619(part); amd. Sec. 39, Ch. 800, L. 1991.

46-6-412. Arrest by officer of the United States customs service or immigration and naturalization service. An officer of the United States customs service or immigration and naturalization service may make an arrest without a warrant if the officer is on duty and one or more of the following situations exist:

(1) A person commits or attempts to commit an offense in the officer's presence.

(2) The officer believes on reasonable grounds that the person is committing an offense or that the person committed an offense and the circumstances require his immediate arrest.

(3) The officer believes on reasonable grounds that a warrant for the person's arrest has been issued in this state.

(4) The officer believes on reasonable grounds that a felony warrant for the person's arrest has been issued in another jurisdiction.

History: En. Sec. 1, Ch. 107, L. 1983.

Cross-References

Sovereignty and jurisdiction of state, 2-1-102.

46-6-413 through 46-6-419 reserved.

46-6-420. Arrest or citation quotas prohibited. (1) A state or local government agency employing a peace officer may not adopt and require a peace officer to comply with a quota and may not suggest a quota for arrests or citations for any criminal offense or class of criminal offenses, including violations of traffic or motor vehicle laws, contained in state law, an administrative rule adopted by an agency of the state government, or a local government ordinance.

(2) (a) For purposes of this section, "quota" means a specific number of arrests or citations.

(b) The term does not include the use of generally accepted management techniques that employ performance objectives as part of an overall employee evaluation.

History: En. Sec. 1, Ch. 242, L. 2005.

Compiler's Comments

Effective Date: Section 3, Ch. 242, L. 2005, provided that this section is effective on passage and approval. Approved April 15, 2005.

46-6-421. Renumbered 46-6-601. Code Commissioner, 1991.

46-6-422. Renumbered

46-6-501. Repealed. See
History: En. 95-611.1 by Sec

46-6-502. Arrest by private person. It is probable cause to believe that the person is committing an offense existing circumstances require the arrest of the person by a peace officer or peace enforcement agency or peace agency.

History: En. 95-611 by Sec
amd. Sec. 40, Ch. 800, L. 1991.

Cross-References

Limitation on arrest authority

46-6-503. Repealed.
History: En. 95-611 by Sec

46-6-504. Repealed.
History: En. 95-611.2 by Sec

46-6-505. Custody by private person. A person arrested by a private person and as otherwise provided
History: En. Sec. 41, Ch.

46-6-506. Temporary detention. A person, who has reasonable cause to believe that the person is committing the offense of
(a) shall promptly inform the person upon completion of the investigation of the person by a peace officer;

(b) may demand the person in a reasonable manner for the person's shoplifting;

(c) may take into possession the person's property paid and that is in the person's possession;

(d) may detain the person until the peace officer arrives.

(2) A stop, detention, or search of the person's property done in a reasonable manner to the merchant, this section. After the purpose of a stop, first, the merchant shall release the custody of a peace officer.

(3) A merchant who has reasonable cause to believe that shoplifting is not liable for this section.

(4) As used in this section, "Concealment" means the premises of a whole store where the merchant deprive the merchant of the merchant's deceptive conduct is prohibited.

(i) concealing merchandise from full view of the merchant;

(ii) removing, changing, or altering the merchant's merchandise.